

BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

|                           |   |                       |
|---------------------------|---|-----------------------|
| IN THE MATTER OF          | ) | DATE: October 7, 2003 |
|                           | ) |                       |
| Gwendolyn M. Hemphill     | ) | DOCKET NO.: 03F-035   |
| Member                    | ) |                       |
| Board of Employee Appeals | ) |                       |
| 1919 Yorktown Road, NW    | ) |                       |
| Washington, DC 20012      | ) |                       |

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Gwendolyn M. Hemphill, Member, Board of Employee Appeals (Board), failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 6, 2003, OCF ordered Gwendolyn M. Hemphill (hereinafter respondent), to appear at a scheduled hearing on August 15, 2003 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 15, 2003, OCF received a letter, via facsimile, from Frederick D. Cooke, Jr., respondent's attorney, advising that neither he or his client would be able to attend the scheduled hearing. Mr. Cooke represented that respondent disputes the allegation that she failed to file a Financial Disclosure Statement (FDS) as she resigned as a member of the Board in October 2002. Mr. Cooke further represented that on May 15, 2003, respondent had not been a member of the Board for seven (7) months.

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On August 19, 2003, OCF received the original letter from respondent's attorney. On August 20, 2003, the Director contacted Mr. Cooke to advise that respondent was required to file with OCF because she served more than thirty days as a public official in the calendar year. Mr. Cooke represented that respondent would file an affidavit and a final FDS with OCF.

**Findings of Fact**

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed a Financial Disclosure Statement with OCF in May 2002.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
3. Respondent believed she was not required to file a Financial Disclosure Statement because she resigned from the Board in October 2002.
4. On August 20, 2002, respondent, through counsel, represented that an affidavit and an FDS would be filed with OCF.
5. OCF has not received an affidavit or an FDS from respondent to date.
6. Respondent has no history of prior filing delinquencies.
7. Respondent is currently not in compliance with the statute.

**Conclusions of Law**

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.

3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's filing history mitigates toward the imposition of a lower fine.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of \$1,750.00 in this matter.

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**Date**

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**Jean Scott Diggs**  
**Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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**Date**

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**Kathy S. Williams**  
**General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that a fine of \$1,750.00 be hereby imposed in this matter.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order.

\_\_\_\_\_  
**Rose Rice**  
**Legal Assistant**

**NOTICE**

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.